

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ALLRICH JEAN, (as Administrator for The
ESTATE OF ARMANI FAISON),,**

Plaintiff,

v.

CITY OF PHILADELPHIA, et al.

Defendants.

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CIVIL ACTION

No. 22-cv-433

DEFENDANT CITY OF PHILADELPHIA’S ANSWER TO PLAINTIFF’S COMPLAINT

Defendant City of Philadelphia (“City” or “Defendant”), by and through the undersigned counsel, hereby file this Answer with Affirmative Defenses and avers as follows:

INTRODUCTION

1. It is admitted only that Armani Faison was arrested for shoplifting, among other charges, that he was sent to Curran-Fromhold Correctional Facility “CFCF”, and that he was assigned to cell with Kevin Massey. All other allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff’s statement of the case and, therefore, require no response. To the extent a response is required, denied.

2. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff’s statement of the case and, therefore, require no response. To the extent a response is required, denied.

3. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff’s statement of the case and, therefore, require no response. To the extent a response is required, denied.

4. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

5. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

PARTIES

6. The allegations contained in this paragraph constitute conclusions of law and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations, and they are therefore denied.

7. The allegations contained in this paragraph constitute conclusions of law and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations, and they are therefore denied.

8. It admitted that CFCF is a prison operated by the City of Philadelphia.

9. It is admitted that Warden Michele Farrell was a Warden in the Philadelphia Department of Prisons in March of 2021. All other allegations are denied.

10. It is admitted that Warden Nancy Gianetta was a Warden in the Philadelphia Department of Prisons in March of 2021. All other allegations are denied.

11. It is admitted that Blanche Carney was Commissioner of the Philadelphia Department of Prisons in March of 2021. All other allegations are denied.

12. The allegations of this paragraph are not directed to Answering Defendant, but to unnamed individuals, and therefore require no response. To the extent a response is required,

Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

13. The allegations of this paragraph are not directed to Answering Defendant, but to unnamed individuals, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

14. The allegations of this paragraph are not directed to Answering Defendant, but to unnamed individuals, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

JURISDICTION AND VENUE

15. The allegations contained in this paragraph constitute conclusions of law and therefore require no response. To the extent a response is required, denied.

16. The allegations contained in this paragraph constitute conclusions of law and therefore require no response. To the extent a response is required, denied.

FACTUAL AVERMENTS

17. Denied. Defendant lacks sufficient information to admit or deny the allegations, and they are therefore denied.

18. Denied. Defendant lacks sufficient information to admit or deny the allegations, and they are therefore denied.

19. The allegations of this paragraph are not directed to Defendant, summarize alleged conduct of non-parties, and constitute conclusions of law and/or Plaintiff's theory of the case. Therefore, they require no response. To the extent a response is required, it is admitted only that

K.S. testified under oath in a preliminary hearing on May 4, 2021 that Kevin Massey touched K.S. without permission. All other allegations are denied.

20. The allegations of this paragraph are not directed to Defendant, summarize alleged conduct of non-parties, and constitute conclusions of law and/or Plaintiff's theory of the case. Therefore, they require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

21. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

22. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, it is admitted that Armani Faison was housed with Kevin Massey. All other allegations are denied.

23. The allegations of this paragraph are not directed to Defendant, and, therefore require no response. To the extent a response is required, it is admitted that Armani Faison was arrested for shoplifting and other offenses and was later detained at CFCF.

24. The allegations of this paragraph are not directed to Defendant, and, therefore require no response. To the extent a response is required, it is admitted that Mr. Faison was evaluated at CFCF.

25. The allegations of this paragraph are not directed to Defendant, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

26. The allegations of this paragraph are not directed to Defendant, constitute conclusions of law and/or the Plaintiff's statement of the case, and characterize documents the contents of which speak for themselves. Therefore, they require no response. To the extent a response is required, denied.

27. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

28. The allegations of this paragraph are not directed to Defendant and, therefore, require no response. To the extent a response is required, it is admitted that no other inmates occupied cell#10.

29. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

30. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

31. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required,

Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

32. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

33. The allegations of this paragraph are not directed to Answering Defendant, but to unnamed individuals, and therefore require no response. In addition, the allegations of this paragraph constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

34. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

35. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

36. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

37. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

38. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

39. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

40. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required,

Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

41. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

42. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

43. The allegations of this paragraph are not directed to Defendant, constitute characterization of non-party statements, and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations and they are therefore denied.

44. Denied. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

45. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

46. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

47. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

48. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

49. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

50. The allegations mischaracterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

51. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

52. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

53. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

54. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

55. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

56. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

57. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

58. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

59. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

60. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

61. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, denied.

62. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this case, and they are therefore denied.

63. Denied. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this case, and they are therefore denied.¹

64. Defendant lacks sufficient information to admit or deny the allegations of this case, and they are therefore denied.

65. Defendant lacks sufficient information to admit or deny the allegations of this case, and they are therefore denied.

66. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required denied.

67. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

¹ Defendant notes that the referenced case appears to be *Powell v. City of Philadelphia*, No. 07-1806, 2010 WL 11695212 (E.D. Pa. Feb. 24, 2010), in which the Court entered summary judgment for the City and its employees.

68. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

69. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

70. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

71. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

72. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

73. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

74. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

75. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

76. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

77. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

78. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

79. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

80. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

81. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

82. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

83. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

84. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

85. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

86. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

87. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

88. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

89. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

90. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

91. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

92. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

93. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

94. The allegations of this paragraph are not directed to the Defendant and characterize filings in a separate litigation, and, therefore, require no response. To the extent a response is required, denied.

95. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

96. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

97. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

98. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

99. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

100. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

101. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no

response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

102. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

103. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

104. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

105. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

106. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

107. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

108. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

109. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

110. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

111. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

112. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the

extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

113. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

114. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

115. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

116. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

117. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

118. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

119. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

120. The allegations of this paragraph are not directed to Defendant and characterize a document, the contents of which speak for itself, and therefore require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

121. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

122. The allegations of this paragraph are not directed to the Defendant and constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

WRONGFUL DEATH ACTION

123. . The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

124. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, Defendant lacks sufficient information to admit or deny the allegations of this paragraph and they are therefore denied.

125. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

126. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

127. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

SURVIVAL ACTION

128. Defendant incorporates by reference their answers to paragraphs 1 through 127 inclusive, as fully as though the same were here set forth at length.

129. . The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

COUNT I: FOURTEETH AMENDMENT AGAINST ALL INDIVIDUAL DEFENDANTS

130. Defendant incorporates by reference their answers to paragraphs 1 through 129 inclusive, as fully as though the same were here set forth at length.

131. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

132. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

133. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

134. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

135. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

136. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

137. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

138. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

139. The allegations contained in this paragraph (a-g) constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

140. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

141. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

WHEREFORE, Defendant denies it is liable to the plaintiff and demand judgment in their favor, together with reasonable attorney's fees and the costs of defending against Count I.

COUNT II: FOURTEENTH AMENDMENT MUNICIPAL LIABILITY
AGAINST DEFENDANT THE CITY OF PHILADELPHIA

142. Defendant incorporates by reference their answers to paragraphs 1 through 141 inclusive, as fully as though the same were here set forth at length.

143. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

144. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

145. The allegations contained in this paragraph constitute conclusions of law and/or the Plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

WHEREFORE, Defendant denies it is liable to the plaintiff and demand judgment in their favor, together with reasonable attorney's fees and the costs of defending against Count II.

JURY DEMAND

Defendant demand a jury trial in this action.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

To the extent Plaintiff is bringing state law claims, Defendant asserts all of the defenses, immunities, and limitations of damages available to them under the "Political Subdivision Tort Claims Act," 42 Pa. Cons. Stat. § 8541 *et seq.*, and aver that Plaintiff's state law remedies are limited exclusively thereto.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of qualified immunity because, at all times material hereto, Defendants were carrying out their duties in a proper and lawful manner and in the exercise of good faith.

FORTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, insofar as Defendant's purported actions or omissions were not the proximate cause of any alleged injury, loss, or damage incurred by the Plaintiff.

FIFTH AFFIRMATIVE DEFENSE

At all times material to this civil action, Defendants acted in a reasonable, proper, and lawful manner.

SIXTH AFFIRMATIVE DEFENSE

Defendant asserts all of the defenses, immunities, and limitations of damage available to them under the Prisoner Litigation Reform Act (PLRA) and avers that Plaintiff's remedies are limited exclusively thereto. 42 U.S.C. § 1997e.

WHEREFORE, Defendant denies it is liable to the plaintiff and demand judgment in their favor, together with reasonable attorney's fees and the costs of defending against this action.

Date: May 16, 2022

Respectfully submitted,

/s/ Derek R. Kane

Derek Kane

Deputy City Solicitor

1515 Arch Street, 14th Floor

Philadelphia, PA 19102-1595

((215) 683-5374 (office)

derek.kane@phila.gov

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALLRICH JEAN, (as Administrator for The ESTATE OF ARMANI FAISON),,	:	
	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	No. 22-cv-433
	:	
CITY OF PHILADELPHIA, et al.	:	
	:	
Defendants.	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the Defendant's Answer with Affirmative Defenses was filed via the Court's electronic filing system and is available for downloading.

Date: May 16, 2022

Respectfully submitted,

/s/ Derek R. Kane
Derek Kane